

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Michael Simons & Youhe Gao.
Serial No. : 09/426,011
Filed : October 25, 1999
For : "METHOD FOR PR-39 PEPTIDE REGULATED
STIMULATION OF ANGIOGENESIS"
Examiner : Roy R. Teller
Group Art Unit : 1653
Attorney's Docket No. : BIS-043/CIP

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on: May 24, 2002.

Attorney for Applicants: David Prashker

Signature: David Prashker

Date: May 24, 2002

REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the instant Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed April 26, 2002, please find enclosed copies of the following documents and diskette originally

submitted under a Certificate Of Mailing dated January 23rd, 2002 for filing on behalf of applicants and for formal entry into the above-identified application:

1. An Amendment Of Specification, Drawing And Claims; And Request For Entry Of A Second Paper Form Copy Of The Sequence Listing Containing Nucleotide Sequence And/or Amino Acid Sequence Disclosures as originally submitted January 23, 2002.
2. Replacement amended paragraph pages for the Specification as originally submitted January 23, 2002.
3. A substitute sheet of Drawing for Figs. 1A and 1B as originally submitted January 23, 2002.
4. A second paper form copy of the "Sequence Listing" to be formally entered into the original Specification of the above-identified patent application as originally submitted January 23, 2002.
5. A second computer readable form (CRF) copy of the "Sequence Listing" as originally submitted January 23, 2002.
6. A Second Statement And Verification Of Substantive Identity Between The Computer Readable Form (CRF) Copy And The Paper Form Copy Of The "Sequence Listing" as originally submitted January 23, 2002.
7. One copy of the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed April 26, 2002.

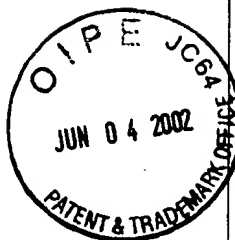
The CRF Problem Report accompanying the instant Notice identifies the sole problem as a damaged CRF diskette. Applicants see no point in submitting new supporting documents and verifications under these circumstances. For these reasons, photocopies of the accepted supporting documents and verifications originally submitted January 23, 2002 have been enclosed, together with a new and undamaged diskette presenting the relevant sequences in computer readable format. This enclosure and undamaged diskette are therefore deemed to satisfy in full all the necessary procedural requirements.

Respectfully submitted,

MICHAEL SIMONS
YOU E GAO

Date: May 24, 2002
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 525-3794

By: David Prashker
David Prashker
Reg. No. 29,693
Attorney for applicants



COPY OF PAPERS
ORIGINALLY FILED

Notice to Comply	Application No. 09426011	Applicant(s) Simons et al	
	Examiner Teller	Art Unit 1653	

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See the attached CRF Problem Report. The disk was damaged. Please also see the section on where to send replies to this notice.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

1600

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/426,011A
Filing Date: 10/25/1999
Date Processed by STIC: 2/28/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

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The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
☐ Empty file (filename present, but no bytes in file) (see attached)
☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
☐ Not saved in ASCII text
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
☐ Did not contain a Sequence Listing. (see attached sample)
☐ Other: _____

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

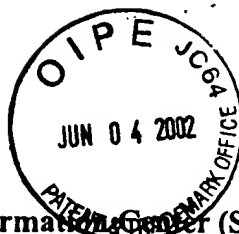
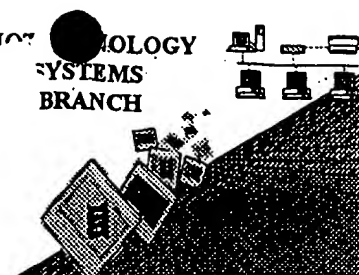
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

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Applicants
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Michael Simons & Youhe Gao
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October 25, 1999
"METHOD FOR PR-39 PEPTIDE
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ANGIOGENEIS"

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JUN 11 2002
TECH CENTER 1600/2900

Examiner : F.T. Moezie
Group Art Unit : 1653
Attorney's Docket No. : BIS-O43/CIP

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to Assistant Commissioner for Patents, Washington, D.C.
20231 on: Jan. 23, 2002.

Attorney for Applicants: David Prashken

Signature: David Prashken

Date: Jan. 23, 2002

SECOND STATEMENT AND VERIFICATION OF SUBSTANTIVE IDENTITY
BETWEEN THE SECOND COMPUTER READABLE FORM (CRF) COPY AND
THE SECOND PAPER FORM COPY OF THE "SEQUENCE LISTING"

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accompaniment with the enclosed Reply to the Notice To
Comply With Requirements For Patent Applications Containing
Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as
mailed September 4, 2001 and extended through February 4, 2002,
applicants' undersigned attorney states and verifies the following: The


content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith are the same; the content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listings" enclosed herewith do not contain any New Matter; and the content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith is fully supported by the descriptive and enabled disclosure of the Specification text originally filed October 25, 1999 as USSN 09/426,011.

This second statement and verification of the contents and sameness of the "Sequence Listing" in second paper form copy and second computer readable form (CRF) copy is made pursuant to and in compliance with the requirements as set forth in 37 C.F.R. 1.821-1.825 respectively. Applicants' undersigned attorney respectfully submits that this second statement and verification is also a legally complete and sufficient Response to the instant Notice to comply with requirements for sequence disclosures as such.

Respectfully submitted,

MICHAEL SIMONS
YOUHE GAO

Date: Jan. 23, 2002
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 5253794

By: 
David Prashker
Reg. No. 29,693
Attorney for applicants